



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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LIGHTYEAR AND OPEN ACCESS AGREE TO PAY NEARLY \$1.8 MILLION TO RESOLVE INVESTIGATIONS REGARDING USF COMPLIANCE

*Settlements promote level competitive playing field,
ensure compliance with USF, TRS, and other contribution obligations*

Washington, D.C. – In the last week, the FCC’s Enforcement Bureau resolved two investigations into possible violations of the Commission’s Universal Service Fund (USF) contribution and federal reporting rules, entering into significant settlements with Lightyear Network Solutions, LLC and Open Access Acquisition LLC totaling nearly \$1.8 million.

Lightyear is based in Kentucky and provides local and long distance, interconnected VoIP, DSL, wireless, and prepaid calling card services. Lightyear will make a voluntary contribution of \$475,000 to resolve, among other things, alleged violations of the USF contribution requirements.

Open Access is a Delaware corporation that provides Ethernet, SONET, wavelength, private network, Internet access, dark fiber, and collocation services to carriers, governmental entities, and private business customers in twenty-three states and the District of Columbia. Open Access voluntarily disclosed its failure to make USF, Telecommunications Relay Service (TRS), and numbering related contributions and will pay \$1.3 million to resolve the Bureau’s investigation.

Acting Chairwoman Mignon L. Clyburn said, “We must remain vigilant to ensure that all providers fully comply with our universal service rules. Providers that fail to contribute their full share unfairly place others at a competitive disadvantage. We simply cannot—and will not—allow carriers to shirk their responsibilities in this vital area.”

“Violating the USF rules harms the most vulnerable among us and is just plain wrong,” added Acting Enforcement Bureau Chief Robert Ratcliffe. “The Enforcement Bureau will hold all regulatees strictly accountable for any misconduct.”

In addition to making substantial, voluntary payments to the U.S. Treasury, both companies have agreed to robust compliance plans that will govern their—and any successors’—operations over the next three years. To ensure accurate and timely contributions to the USF, TRS, and other regulatory programs, as well as compliance with associated filing and fee requirements, each company must designate a compliance officer, establish standard operating procedures related to federal contribution and regulatory reporting obligations, develop and distribute a detailed compliance manual, train its employees, and file periodic compliance reports with the Commission describing and certifying its compliance efforts.

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